

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 7, ARTICLE XVIII, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PERTAINING TO ENFORCEMENT OF THE STORMWATER AND SOIL EROSION PROVISIONS OF THE UDO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Section 7-18-2 (b)(2)(*Stormwater control, soil erosion and sedimentation control, illicit discharge and connection*) of Chapter 7 of the Unified Development Regulations of the Code of Ordinances of the City of Asheville is hereby repealed in its entirety.

Section 2: Section 7-18-2 (c) Criminal Penalties, subsection (1) entitled: "*Stormwater control, soil erosion and sedimentation control, illicit discharge and connection*", of Chapter 7 of the Unified Development Regulations of the Code of Ordinances of the City of Asheville is hereby repealed in its entirety and that the remaining paragraphs be renumbered accordingly.

Section 3: Section 7-18-3(a) (*Notice required before penalty*) of Chapter 7 of the Unified Development Regulations of the Code of Ordinances of the City of Asheville is hereby repealed and a new section 7-18-3 (a) is added as follows:

(a) *Notice required before penalty:* No penalty shall be assessed pursuant to section 7-18-2 above unless and until the person alleged to be in violation has been notified of the violation in accordance with this section.

Section 4: *Invalidity:* That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5: *Conflict:* That all ordinances and clauses in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 6: *Full force and effect.* This Ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this ____ day of _____, 2009.

City Clerk

Mayor

Approved as to form:

City Attorney